

Besozzi, Paul

From: Besozzi, Paul
Sent: Monday, February 06, 2006 1:10 PM
To: 'elections@800TA.org'
Cc: 'PreComSys@aol.com'; Allard, Nick; Didden, Carly; 'Pwaugh9999@aol.com'; 'Cto4u@aol.com'
Subject: TA Letter, dated January 11, 2006, to Preferred Acquisitions, Inc. RE: Filing Window For ESMR Band Elections

Importance: High

In accordance with the referenced TA Letter, at the request and on behalf of Preferred Acquisitions, Inc. and Preferred Communications Systems, Inc. (collectively "Preferred"), I attach an electronic copy of Preferred's responsive election.

In accordance with the TA letter, the original copy is delivered this date to Mr. Lederman.

If there are any questions, please contact the undersigned counsel.

Paul C. Besozzi
Patton Boggs LLP
2550 M Street, N.W.
Washington, D.C. 20037-1301
202-457-5292 (phone)
202-457-6315 (fax)
301-346-2431 (mobile)
pbsozzi@pattonboggs.com



Feb 6 TA
Election.pdf

Tracking:

Recipient

'elections@800TA.org'
'PreComSys@aol.com'
Allard, Nick
Didden, Carly
'Pwaugh9999@aol.com'
'Cto4u@aol.com'

Delivery

Delivered: 2/6/2006 1:10 PM
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**Preferred Communication Systems, Inc.
400 East Royal Lane
N24
Irving, Texas 75039**

800 MHz Transition Administrator, LLC
c/o Steve Lederman
Squire, Sanders, & Dempsey L.L.P.
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044-0407

Re: Filing Window For ESMR Band Elections – TA Letter, dated January 11, 2006 and Press Release, “800 MHz Transition Administrator to Open Filing Window for EA Elections”, dated January 11, 2006.

Dear Mr. Lederman:

This election letter is submitted on behalf of Preferred Communications Systems, Inc. and its wholly-owned subsidiary, Preferred Acquisitions, Inc. (collectively, “Preferred”) in response to the referenced Letter and Press Release. Preferred is the licensee for the 800 MHz Specialized Mobile Radio (“SMR”) Economic Area and site-based licenses listed on Exhibit 1 hereto.

1. Current Preferred Elections

On May 13, 2005, Preferred submitted an election to move all of the licenses listed on Exhibit 1 to the ESMR Band.¹ On September 27, 2005, the TA acknowledged receipt and review of that election. The TA confirmed that all of the EA licenses listed, except the EA license for BEA 174 (Puerto Rico and the U.S. Virgin Islands), “will be scheduled for relocation to the EMSR Band.” The TA rejected the election relating to Preferred’s site-based licenses because it then did “not have authority to permit site-based channels included in EA elections to be relocated to the ESMR Band.” On October 18, 2005, Preferred requested justification for reserving a decision on the relocation of its BEA 174 license and noted the import of the FCC’s October 5, 2005 Memorandum Opinion and Order for Preferred’s site-based licenses.²

2. Affirmation Of Preferred Election With Respect To EA Licenses

¹ Preferred is prepared to provide copies of these documents if requested by the TA.

²On August 15, 2005, Preferred also declined an August 1, 2005 TA offer to make a contingent election to move some or all of its licenses to the Guard Band and reiterated its request to move its site-based licenses to the ESMR Band.

In accordance with the referenced Letter and Press Release, Preferred hereby reaffirms its election to relocate all of its EA licenses, including its EA license for BEA 174, as listed on Exhibit 1 hereto, to the ESMR Band, with all of the rights and entitlements set forth in the Rebanding Orders.³ Preferred reiterates that there is no basis for excluding Preferred's EA license for BEA 174 from relocation to the ESMR Band, as it was expressly permitted by the *Rebanding Orders*.⁴

3. Formal Election With Respect To Preferred Site-Based Licenses

As noted above, Preferred has previously elected to have its site-based licenses, all of which are located in BEA 174, also relocated to the ESMR Band. However, the TA declined to approve of such relocation. As noted by the Press Release, the *Reconsideration Order* permits such relocation so long as the site-based license is "located...within the geographical boundaries of the relevant EA.

As the TA is aware, Preferred holds an EA license for BEA 174 (Puerto Rico and the U.S. Virgin Islands) Call Sign WPRQ948. That BEA covers the entire island of Puerto Rico and all of the islands that comprise the U.S. Virgin Islands. As reflected on Exhibit 1, each of Preferred's site-based licenses is located on the island of Puerto Rico or one of the U.S. Virgin Islands.⁵

4. Call Signs Of All Relevant Licenses

The call signs of Preferred's EA and site-based licenses (cross referenced by EA) are reflected on Exhibit 1.

5. Contact Information

Preferred's Contact Information for purposes of this election remains as follows:

Preferred Communication Systems, Inc.
400 East Royal Lane
N24
Irving, Texas 74039
ATTN: Charles M. Austin, President
Telephone No.: 972-869-7626

³In the *Matter of Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd. 14969 (2004), as amended by *Erratum*, released September 10, 2004, *Erratum*, DA 04-3208, 19 FCC Rcd. 19651 and *Erratum*, DA 04-3459, released October 29, 2004, *appeal pending* ("Initial Report and Order"); *Supplemental Order and Order On Reconsideration*, 19 FCC Rcd. 25120 (2004), *appeal pending* ("Supplemental Order"); *Memorandum Opinion and Order*, FCC 05-174, released October 5, 2005, as amended by *Erratum*, DA 05-3061, released November 25, 2005 ("Reconsideration Order") (collectively, "*Rebanding Orders*"). Of course, these rights and entitlements would also include any resulting from any decision of the United States Court of Appeals for the District of Columbia Circuit in the case of *Mobile Relay Associates et al. v. F.C.C. et al.*, Case No. 04-1413, (D.C. Cir. filed December 6, 2004), oral argument scheduled for February 3, 2006.

⁴ *Supplemental Order*, at 25156, ¶ 79.

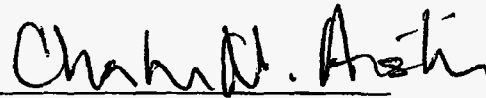
⁵The Press Release refers to documentary evidence supporting the eligibility of the site-based licenses under any of the applicable criteria. Therefore, Preferred has attached copies of its EA license for BEA 174 and all of its site-based licenses as Exhibit 2.

Facsimile No.: 972-869-7625
E-mail Address: PreComSys@aol.com

with a copy to:

Paul C. Besozzi, Esquire
Patton Boggs LLP
2550 M Street, N.W.
Washington, D.C. 20037-1350
Telephone No.: 202-457-5292
Facsimile No.: 202-4457-6315
E-mail Address: pbesozzi@pattonboggs.com

As required by the Letter and Press Release, the undersigned hereby certifies under penalty of perjury that the foregoing information is true and correct.



Charles M. Austin
President
Preferred Communication Systems, Inc.

State of Calif.
County of San Diego

Subscribed and sworn to before me by Charles M. Austin, this 5th day of February 2006.


Notary Public

My commission expires: Jan. 23, 2009

Exhibit 1

Call Signs of All Relevant Preferred Licenses Cross-Referenced by EA

CALL SIGN	EA License Y = EA	Site License N=SITE	Frequency Block	Channel	# Locations	EA's Covered
WPRQ941	Y		D	851.0125-851.6125		BEA013
WPRQ963	Y		EE	852.8875-853.4875		BEA013
WPRQ968	Y		F	853.5125-854.1125		BEA013
WPRQ973	Y		FF	854.1375-854.7375		BEA013
WPRQ942	Y		D	851.0125-851.6125		BEA015
WPRQ964	Y		EE	852.8875-853.4875		BEA015
WPRQ969	Y		F	853.5125-854.1125		BEA015
WPRQ974	Y		FF	854.1375-854.7375		BEA015
WPRQ943	Y		D	851.0125-851.6125		BEA016
WPRQ949	Y		DD	851.0125-851.6125		BEA016
WPRQ955	Y		E	852.2625-852.8625		BEA016
WPRQ965	Y		EE	852.8875-853.4875		BEA016
WPRQ970	Y		F	853.5125-854.1125		BEA016
WPRQ975	Y		FF	854.1375-854.7375		BEA016
WPRQ944	Y		D	851.0125-851.6125		BEA017
WPRQ950	Y		DD	851.0125-851.6125		BEA017
WPRQ956	Y		E	852.2625-852.8625		BEA017
WPRQ966	Y		EE	852.8875-853.4875		BEA017
WPRQ971	Y		F	853.5125-854.1125		BEA017
WPRQ976	Y		FF	854.1375-854.7375		BEA017
WPRQ945	Y		D	851.0125-851.6125		BEA048
WPRQ951	Y		DD	851.0125-851.6125		BEA048
WPRQ957	Y		E	852.2625-852.8625		BEA048
WPRQ952	Y		DD	851.0125-851.6125		BEA162
WPRQ958	Y		E	852.2625-852.8625		BEA162
WPRQ977	Y		FF	854.1375-854.7375		BEA162
WPRQ959	Y		E	852.2625-852.8625		BEA163
WPRQ946	Y		D	851.0125-851.6125		BEA164
WPRQ960	Y		E	852.2625-852.8625		BEA164
WPRQ978	Y		FF	854.1375-854.7375		BEA164
WPRQ947	Y		D	851.0125-851.6125		BEA165
WPRQ953	Y		DD	851.0125-851.6125		BEA165
WPRQ961	Y		E	852.2625-852.8625		BEA165
WPRQ948	Y		D	851.0125-851.6125		BEA174
WPRQ954	Y		DD	851.0125-851.6125		BEA174
WPRQ962	Y		E	852.2625-852.8625		BEA174
WPRQ967	Y		EE	852.8875-853.4875		BEA174
WPRQ972	Y		F	853.5125-854.1125		BEA174
WPDU206		N		852.5625	1	BEA174
WPDU210		N		852.4875	1	BEA174
WPDU218		N		852.3875	1	BEA174
WPDU222		N		852.3125	1	BEA174
WPDU263		N		853.5375	1	BEA174
WPDU266		N		853.3625	1	BEA174
WPDU271		N		853.6375	1	BEA174
WPDU275		N		853.6875	1	BEA174
WPDU279		N		853.7875	1	BEA174
WPDU287		N		853.3625	1	BEA174
WPEF461		N		852.6625	1	BEA174
WPEU434		N		853.8375	1	BEA174
WPEX345		N		851.3125	1	BEA174
WPEY418		N		851.9125	1	BEA174
WPEY419		N		852.1875	1	BEA174
WPEY421		N		852.0375	1	BEA174
WPEY422		N		851.8125	1	BEA174
WPEY423		N		851.6875	1	BEA174
WPEY424		N		854.3625	1	BEA174
WPEY425		N		854.4375	1	BEA174
WPEY427		N		851.5625	1	BEA174
WPEY429		N		851.5125	1	BEA174

Call Signs of All Relevant Preferred Licenses Cross-Referenced by EA

CALL SIGN	EA License Y = EA	Site License N=SITE	Frequency Block	Channel	# Locations	EA's Covered
WPEY430		N		854.4625	1	BEA174
WPEY431		N		853.4125	1	BEA174
WPEY432		N		852.5125	1	BEA174
WPEY445		N		853.0375	1	BEA174
WPEY446		N		853.1375	1	BEA174
WPEY447		N		853.2125	1	BEA174
WPEY448		N		852.7125	1	BEA174
WPEY450		N		852.8875	1	BEA174
WPEY451		N		852.9375	1	BEA174
WPEZ750		N		852.8125	1	BEA174
WPFA265		N		854.1375	1	BEA174
WPFA266		N		854.1875	1	BEA174
WPFA268		N		854.2375	1	BEA174
WPFA269		N		854.2875	1	BEA174
WPFA270		N		851.9875	1	BEA174
WPFA273		N		854.3875	1	BEA174
WPFA278		N		852.9625	1	BEA174
WPFA280		N		852.2375	1	BEA174
WPFD607		N		854.2625	1	BEA174
WPFD808		N		854.3375	1	BEA174
WPFD809		N		854.4875	1	BEA174
WPFD810		N		854.5375	1	BEA174
WPFD811		N		853.7625	1	BEA174
WPFD812		N		853.3875	1	BEA174
WPFE472		N		854.1625	1	BEA174
WPFE934		N		853.5625	1	BEA174
WPF6589		N		854.5625	1	BEA174
WPF6598		N		851.3625	1	BEA174
WPF6599		N		854.6375	1	BEA174
WPFM597		N		853.6125	1	BEA174
WPFM600		N		853.7125	1	BEA174
WPFN354		N		852.5125	1	BEA174
WPFN600		N		851.9875	1	BEA174
WPFN636		N		852.0375	1	BEA174
WPFN725		N		852.3875	1	BEA174
WPFQ293		N		851.4875	1	BEA174
WPFS846		N		851.8375	1	BEA174
WPFS856		N		851.7875	1	BEA174
WPFT334		N		852.4625	1	BEA174
WPFT335		N		852.4625	1	BEA174
WPFT356		N		852.6125	1	BEA174
WPFT357		N		852.6125	1	BEA174
WPFT369		N		851.9875	1	BEA174
WPFT416		N		851.6125	1	BEA174
WPFT417		N		851.0375	1	BEA174
WPFT968		N		851.9375	1	BEA174
WPFV692		N		852.3625	1	BEA174
WPFV884		N		852.8625	1	BEA174
WPF997		N		852.9125	1	BEA174
WPFZ805		N		854.7125	1	BEA174
WPFZ806		N		854.5875	1	BEA174
WPFZ807		N		854.6625	1	BEA174
WPFZ808		N		854.4875	1	BEA174
WPGD852		N		854.3875	1	BEA174
WPGD855		N		854.6875	1	BEA174
WPFX853		N		853.0875	1	BEA174
WPF6663		N		851.6625	1	BEA174
KNHA524		N		856.0375	1	BEA174
WPDU267		N		853.5875	1	BEA174

Call Signs of All Relevant Preferred Licenses Cross-Referenced by EA

CALL SIGN	EA License Y = EA	Site License N=SITE	Frequency Block	Channel	# Locations	EA's Covered
WPEX349		N		851.3875	1	BEA174
WPEY428		N		854.1125	1	BEA174
WPEY452		N		852.9875	1	BEA174
WPFA264		N		854.0625	1	BEA174
WPFA267		N		854.2125	1	BEA174
WPFA271		N		852.0625	1	BEA174
WPFA276		N		851.9375	1	BEA174
WPFA277		N		852.6375	1	BEA174
WPFA284		N		852.4375	1	BEA174
WPFA364		N		853.8625	1	BEA174
WPFF655		N		852.1125	1	BEA174
WPFF667		N		851.8375	1	BEA174
WPFN724		N		852.4875	1	BEA174
WPFS844		N		851.5875	1	BEA174
WPFS855		N		851.7625	1	BEA174
WPFT330		N		851.1125	1	BEA174
WPFT331		N		853.1125	1	BEA174
WPFT400		N		852.2125	1	BEA174
WPFT566		N		852.1875	1	BEA174
WPFU790		N		852.0875	1	BEA174
WPFV687		N		852.2375	1	BEA174
WPFV689		N		852.2875	1	BEA174
WPFV690		N		852.3375	1	BEA174
WPFV882		N		852.1625	1	BEA174
WPFW292		N		851.4125	1	BEA174
WPFY503		N		852.3875	1	BEA174
WPFY511		N		852.5125	1	BEA174
WPHT381		N		854.6125	1	BEA174